

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF WISCONSIN

In the Matter of the Search of

Case Number: 12-813M(NS)

A 8 1/2" x 5 1/2" x 1 3/4" United States Postal Service Express Mail Parcel bearing number EI007186344US. The parcel bears a handwritten label addressed to J. Dudley, 3943 Upton Ct, Stockton CA 95206, with a return address of Walter Simpson, 5114 N. 60th St., Milwaukee, WI 53218. The SUBJECT PARCEL is a cardboard box, weighs 8 ounces, and was postmarked on March 2, 2012 at Milwaukee, WI 53209.

APPLICATION & AFFIDAVIT FOR SEARCH WARRANT

I, Daniel J. Kakonis, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

A 8 1/2" x 5 1/2" x 1 3/4" United States Postal Service Express Mail Parcel bearing number EI007186344US. The parcel bears a handwritten label addressed to J. Dudley, 3943 Upton Ct, Stockton CA 95206, with a return address of Walter Simpson, 5114 N. 60th St., Milwaukee, WI 53218. The SUBJECT PARCEL is a cardboard box, weighs 8 ounces, and was postmarked on March 2, 2012 at Milwaukee, WI 53209.

located in the Eastern District of Wisconsin there is now concealed: **Please see attached affidavit, which is hereby incorporated by reference.**

The basis for the search warrant under Fed. R. Crim. P. 41(c) is which is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of a crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Title 21, United States Code, Sections 843(b).

The application is based on these facts:

- ☒ Continued on the attached sheet, which is incorporated by reference.
- ☐ Delayed notice of ____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me, and signed in my presence.

Date March 5, 2012

City and state: Milwaukee, Wisconsin

Applicant's signature

Name and Title: POSTAL INSPECTOR

Judge's signature

THE HONORABLE NANCY JOSEPH

United States Magistrate Judge

Name & Title of Judicial Officer

AFFIDAVIT

I, Daniel J. Kakonis, being duly sworn on oath, state as follows:

1. I am a United States Postal Inspector currently assigned to the Milwaukee Field Office of the United State Postal Inspection Service. I have been employed as a Postal Inspector for over 24 years. My primary duties include investigating the transportation of controlled substances or proceeds/payments through the U. S. Mail. As a Postal Inspector, I have been involved in hundreds of investigations of narcotics trafficking through the United States mail. Based upon my experiences as a federal law enforcement officer, I know that the United States mails are sometimes used to deliver controlled substances and payment/proceeds thereof.

2. The information contained in this affidavit is either the result of personal observations and investigation, the review of law enforcement files or records, postal records, or it has been relayed to me by other law enforcement agents or citizen witnesses, all of whom I believe to be reliable.

3. I have not included in this affidavit each and every fact known to me regarding this investigation, but only those relating to determining whether there is probable cause to believe that items seized will be found in the places to be searched and whether those items are evidence of the offenses identified in this affidavit.

PURPOSE OF AFFIDAVIT

4. This affidavit is made in support of a search warrant for the SUBJECT PARCEL described below in paragraph 5, for items which constitute the fruits, instrumentalities, and evidence of violations of Title 21, United States Code, Sections 841(a)(1) (Distribution and Possession with Intent to Distribute a Controlled Substance)

and 843(b) (Unlawful Use of a Communication Facility (including the mails) to Facilitate the Distribution of a Controlled Substance.)

PARCEL TO BE SEARCH

5. This affidavit is made in support of an application for a search warrant for United States Postal Service Express Mail Parcel # EI007186344US (the SUBJECT PARCEL). The SUBJECT PARCEL is an 8 ½," x 5 ½," x 1 ¾" cardboard box that weighs 8 ounces. The parcel bears a handwritten label addressed to J. Dudley, 3943 Upton Ct., Stockton CA 95206, with a return address of Walter Simpson, 5114 N. 60th St., Milwaukee, WI 53218. The SUBJECT PARCEL was postmarked on March 2, 2012 at Milwaukee, WI 53209.

ITEMS TO BE SEIZED

6. The following are items to be seized from the SUBJECT PARCEL, which constitutes the fruits, instrumentalities, and evidence of violations of Title 21, United States Code, Sections 841(a)(1) (Distribution and Possession with Intent to Distribute a Controlled Substance) and 843(b) (Unlawful Use of a Communication Facility, including the mails, to Facilitate the Distribution of a Controlled Substance):

- a. Any controlled substance; and
- b. Currency, money orders, bank checks, or similar monetary instruments in quantities over \$100.

INVESTIGATION OF THE SUBJECT PARCEL

7. I review express mail labels delivered to and sent from the Milwaukee area to source narcotic areas. I do this because I know based on my training and experience that drug traffickers will often use express mail service, which is the USPS overnight/next day delivery product. Drug traffickers use the express mail delivery

services because of their speed, reliability, and the ability to track the article's progress to the intended delivery point.

8. I am aware that the California is source area for controlled substances. As such, controlled substances are frequently transported from the California via the United States Mail, and the proceeds from the sale of the controlled substances are frequently returned to California via the United States Mail. These proceeds are generally in large amounts of money, over \$100.

9. I know from my experience and training that drug traffickers often use fictitious or incomplete names and/or addresses in an effort to conceal their identity from law enforcement officers when mailing narcotics.

10. The following Express Label mailings are associated with the addresses on the SUBJECT PARCEL.

11. Between 10/20/11 and 2/16/12, seven Express Mail packages have been mailed from Stockton, CA to 5114 N. 60th St., Milwaukee, WI 53218. The packages weighed between 1 lb. 12 oz. and 5 lbs. 12.4 oz. They were all addressed to D. Simpson, C. Simpson, or L. Simpson at the North 60th Street address. I researched Accurint, which is a public information database utilized by law enforcement that provides names, addresses, telephone numbers, and other identifying information. Walter Simpson III and Leondu Simpson are associated with the Milwaukee address. The first package bore a return address of Janet Butler, 3924 Upton Ct., Stockton, CA 95206. The second and third packages were from T. Butler, 3924 Upton Ct., Stockton, CA 95206. Accurint associated the name Janet Butler with 3924 Upton Ct., Stockton, CA 95206, but not T. Butler. USPS Change of Address information indicates that Janet Butler filed a change

of address with the USPS effective 1/16/11, changing her address from 3924 Upton Ct. to 1120 Chen St., San Jose, CA. The fourth package bore a return address of Troy Johnson, 3728 Moorfield, Stockton, CA 95206. The correct spelling of the street name is Mourfield Ave. and a "Troy Johnson" is associated with that address. The fifth package bore a return address of Jerry Rushing, 1337 Lloyd Thayer Cir., Stockton, CA 95206. The last name Rushing could be associated with the address in Accurint, but not the first name Jerry. The sixth package bore a return address of Rhonda Cherry, 735 E. Fremont Blvd, Stockton, CA 95202. USPS records indicate the address is an apartment building and no apartment number was listed on the return address. Accurint does not show the last name Cherry associated with any apartment at the address. The seventh package bore a return address of Graphics West Printing, 1535 E. Miner Ave, Stockton, CA 95206. Accurint associated Graphic West Printing with the address. USPS records indicate the correct zip code is 95205.

12. Between 10/11/11 and 11/02/11, six Express Mail packages have been mailed from Milwaukee, WI at three separate post offices to Traci Harris, 3943 Upton Ct., Stockton, CA 95206. Each of these packages bore a return address of 5114 N. 60th Street, Milwaukee, WI 53218, with the name W. Simpson on five and D. Simpson on one. The handwriting on all six packages appears to have been written by the same individual. I researched Accurint and found Traci Harris was associated with the California address and Walter Simpson III and Leondy Simpson are associated with the Milwaukee address.

13. On 2/15/12 and 2/23/12, Express Mail packages from Walter Simpson, 5114 N. 60th Street, Milwaukee, WI 53218, were mailed to J. Dudley, 3943 Upton Ct.,

Stockton, CA 95206. I researched Accurint and found Jamael Dudley was associated with the address. The handwriting on these two packages appears to be written by the same individual who addressed the packages notated in paragraph 12.

14. On March 2, 2012, Inspector Kakonis saw the SUBJECT PARCEL while reviewing outgoing Express Mail packages at the North Milwaukee Post Office. Inspector Kakonis picked up the parcel described in paragraph 5 and made arrangements to bring a narcotics detecting canine from the Milwaukee Police Department to the Milwaukee Postal Inspection Service Office. On March 5, 2012, I met with Milwaukee Police Detective Eugene S. Nagler and his canine "Duke," who are trained and certified in the detection of dangerous drugs by the North American Police Work Dog Association. Detective Nagler and Duke were originally certified on June 25, 2004, and are recertified annually, with a recent recertification on June 6, 2011. The controlled substances they are certified in detecting include marijuana, heroin, and cocaine. Detective Nagler stated Duke has alerted, over 500 times including training, to the presence of controlled substances he is trained to detect. Duke alerts have been the basis for more than 100 search warrants, and more than 100 searches of motor vehicles. In addition, according to Inspection Service records Duke has successfully alerted to controlled substances on U.S. Mail parcels and letters on 80 occasions since February of 2008, for a success rate of 100%. Detective Nagler informed me that Duke's alert indicates the presence of controlled substances or other items, such as proceeds of controlled substances, which have been recently contaminated with, or associated with, the odor of one or more controlled substances.

15. On March 5, 2012, I placed the aforementioned parcel on the floor in the Milwaukee Postal Inspection Service Office with five other similar parcels. Duke alerted on the parcel addressed to J. Dudley, 3943 Upton Ct., Stockton CA 95206, described in paragraph 5 above, by scratching and biting at it. Detective Nagler advised these actions are consistent with Duke detecting the odor of controlled substances. Duke did not alert on any of the other five parcels.

16. I believe that based upon the evidence described above, there is probable cause to indicate that the contents of the SUBJECT PARCEL, addressed to J. Dudley, 3943 Upton Ct, Stockton CA 95206, is drug related, and thus constitutes the fruits, instrumentalities, and evidence of violation of Title 21, United States Code, Sections 841(a)(1) (Distribution and Possession with Intent to Distribute a Controlled Substance) and 843(b) (Unlawful Use of a Communication Facility, including the mails, to Facilitate the Distribution of a Controlled Substance).